

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-849V

Filed: December 3, 2014

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MARY H. DAHL,

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Petitioner,

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Ruling on Entitlement; Concession

v.

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Cause-in-fact; Influenza; SIRVA

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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### **RULING ON ENTITLEMENT**<sup>1</sup>

**Vowell**, Chief Special Master:

On September 15, 2014, Mary Dahl filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> [the “Vaccine Act” or “Program”]. Petitioner alleged that she suffered a shoulder injury related to administration of a vaccine (“SIRVA”) as a result of an influenza vaccination she received on November 23, 2012. (Petition at 1.) The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 3, 2014, respondent filed her Rule 4(c) report [“Res. Report”], in which she concedes that petitioner is entitled to compensation in this case. (Res. Report at 4.) Specifically, respondent indicates that “petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration.” (*Id.*) Respondent also agrees that petitioner’s injury lasted for more than 6 months and that “based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the act.” (*Id.*)

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

**In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.**

**s/Denise K. Vowell**

Denise K. Vowell  
Chief Special Master